

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

IGNACIO TALONIA-BORJA,)	
Institutional ID No. 29082-198,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO.
)	5:12-CV-153-C
GILES W. DALBY CORRECTIONAL,)	
FACILITY, <i>et al.</i> ,)	ECF
)	
Defendants.)	

ORDER

The United States Magistrate Judge entered a Report and Recommendation on October 1, 2012. No objections have been filed.

The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

With the exception of any state-law tort claims which are dismissed without prejudice, it is, ORDERED that Plaintiff's complaint and all claims alleged therein are DISMISSED with prejudice as frivolous and for failure to state a claim.

Judgment shall be entered accordingly.

This dismissal shall count as a qualifying dismissal under 28 U.S.C. § 1915 and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

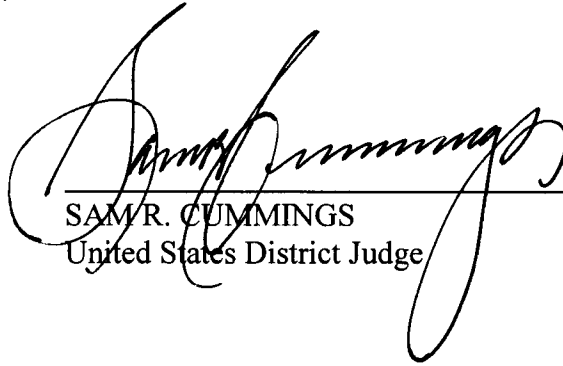
The dismissal of Plaintiff's complaint does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed.

Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$455.00 pursuant to the PLRA, and he must submit an application to proceed *in forma*

pauperis and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Any pending motions are denied.

Dated October 23, 2012.



SAM R. CUMMINGS
United States District Judge